1881-015 Chancery Causes: G. B. Lupton vs. Thomas Surgener
Lee Co.

CA-Debt
T-Property
Vices

Virginia Lee County To wit.

To the Honorable John A Kelly Judge of the Circuit Court of Lee County Va

Humbly complaining your orator G. B. Lupton would humbly and respectfully state and show to your Honor that heretofore to wit on the 25th day of August 1881. he engaged in a game at cards with one Thomas Surgener, and perhaps others that while engaged in said game your orator lost a large sum of Money, amount not exactly known, that the said Surgener won from your orator the largest part of said money, to wit the sum as your orator believes of $155.00 which sum was then and there delivered and paid by your orator to the said Thomas Surgener. said Sum of money was in United States treasury notes and national bank bills. of different denominations and on different banks. Your orator will further show your Honor that at the time he lost and the said Surgener won said said money He your orator was very much intoxicated, so much so as to be wholly incompetent to intelligently understand the losses he was sustaining. Your orator further avers that his deep intoxication was seen and known to the said Surgener who took advantage of it, won your Orators money from him and now refuses to give it up- Your Orator is a poor man and can not afford to lose so great a sum of Money Nor does he Think it charitable or right to allow the said Surgener to retain it.

Your Orator is informed and believes That the said Surgener is preparing to remove at an early day his effects from This commonwealth. so that a Judgement when one is obtained will be unavailing if only the ordinary course at law is taken

#He is further informed alleges and believes that A.R. Surgener is indebted to the said Thomas Surgener in the sum of about two hundred dollars which said debt he prays may be attached and held liable for this debt.

The object of his bill then is to recover back from the said Surgener said sum of $155.00 His prayer therefore is that the said Thomas Surgener A.R. Surgener be made a parties defendant to this bill and required to answer its several allegations on oath, that an attachment issue against the defendant

for a sufficient amount to pay the said sum of $155.00 or so much thereof as shall be recovered in this suit. and that upon a final hearing a decree be entered against the said Sengener compelling him to repay to your orator said sum of money so wrongfully got and obtained and for such other, further general and special relief as is suited to his case and meet and proper for a court of equity to grant. May Spa issue &c.

G. B. Lupton pr. Ayers & Morgan & Morison & Duncan
his Attorneys

Clerks	$3.98
A.	15.00
S.	1.60
J.	1.50
	$22.33

G. B. Lutstein
vs } Bill in Chey
Thomas Surgener

1881. Aug 27th Bill Filed.
Sept. & Octo contd for Spa.
Nov, Spa exed, & Decree Nisi
1881. Decr, Dismissed by
Plaintiffs Atty.

Shel 12

G. B. Lupton Pltff
vs. } In Chancery.
Thomas Surgenner Deft

The said G. B. Lupton the Pltff in the above styled cause being duly sworn says that he has just instituted in the circuit court of Lee County, Virginia a chancery suit against Thomas Surgenner for the recovery of money won by him at a game of cards on the 25th day of August 1881 from affiant at the Printing office of the Lee county Sentinel against and in violation of Section 3 of chapter 139 code of Virginia 1873, that said Surgenner on that day won at a game of cards from ~~him~~ the said Lupton more than seven dollars to wit the sum of One hundred and fifty dollars, and that he believes he is entitled to and ought to recover from said Surgenner in said suit said sum of $155.00 beside the costs of suit, And said Lupton further swears that he has present cause of suit or action against said Surgenner therefor, that said Surgenner has property within the county of Lee liable therefor. that he has cause to believe and does believe that said Surgenner intends to remove his property or the proceeds of the sale thereof out of the State of Virginia so that process of execution on a decree in said cause when it is obtained will be unavailing unless an attachment issue against said Thomas Surgenner's estate.

To the truth of these Statements I do solemnly Swear So help me God G. B. Lupton

Sworn to before me Aug. 27th 1881,
J. A. G. Hyatt Clerk

G. B. Lupton
vs. } Affd. for attachment
Thomas Surgenner

chl 12

Know all men by these presents that we G. B. Lufton C. T. Duncan and Henry J. Morgan are held and firmly bound unto Thomas Surgenner in the penal sum of Three hundred dollars for the true payment thereof well and truly to be made to said Surgenner we bind ourselves our heirs &c. firmly by these presents And as to this bond we hereby waive our homestead exemptions Witness our hands and Seals this 27th day of August 1881.

The condition of the above bond is this that said Lufton has filed his bill in chancery in the circuit Court of Lee County Va. against said Thomas Surgenner in which he seeks to recover from him the sum of $155.00 And upon affidavit filed in said cause said Lufton has procured the clerk of said Court to endorse on the Subpoena issued in said cause an Order directing the officer serving the same to attach the estate of said Surgenner for said sum of $155.00 and for the costs of suit

Now if said Lufton shall well and truly pay or cause to be paid, all such costs and damages as may be awarded against, and all such damages as may be sustained by said Surgenner by reason of the suing out said attachment, then this bond to be void otherwise to be in full force

G. B. Lufton (Seal)
C. T. Duncan (Seal)
Henry J. Morgan (Seal)

G. B. Lupton

vs } attachment Bond

Thomas Saugemmer

Sht 12

Know all Men by these Presents,

That WE, Thomas Surgener, & Samuel Poteet

are held and firmly bound unto G. B. Lupton.
in the just and full sum of Three hundred & twenty nine dollars and seventy cents,
the payment whereof, well and truly to be made to the said G. B. Lupton
or his certain attorney, executors, administrators or assignes, we bind ourselves, our heirs, executors and administrators, jointly and selerally, firmly by these presents, and as to this debt, we heyeby waive our Homestead exemptions. Sealed with our seals, and dated this 30th day of August one thousand eight hundred and eighty one

THE CONDITION the above obligation is such, that whereas, the said G. B. Lupton

hath sued out of the Clerk's office of the Circuit Court of Lee county, ~~a writ of Fieri Facias~~ an attachment against the goods and chattels of the above bound Thomas Surgener which ~~writ~~ attachment with legal costs attending the same, amounts to the sum of One hundred & sixty four dollars and eighty five cents.
And whereas, Francis Miles Depbty for T. S. Ely High Sheriff of Lee County, by virtue of said writ to the Sheriff directed, hath taken the following property, belongidg to the said Thomas Surgener to satisfy the same, to wit:— nine head of hogs, 1 Speckled Cow, & 1 white faced bull calf.

And the said Thomas Surgener being desirous of keeping said property in his possession until the day of sale thereof, has thendered the above bound Samuel Poteet

as security for the forthcoming and delivery thereof on the day and at the place of sale. Now, if the above bound Thomas Surgener and Samuel Poteet.
or either of them, do and shall deliver the aforesaid property to the Sheriff or either of his deputies, at the Court-House in Jonesville, on the first day of the next March term of the Circuit Court ~~next~~, that being the time and place appointed for the sale of the same, then the above obligation to be void, else to remain in full force and virtue.

Signed, Sealed and delieered in the presence of

Francis Miles

Thomas his x mark Surgener (Seal.)
Samuel Poteet (Seal.)
(Seal.)

Thomas Surgement as
To Z F. C. Bond
S. B. Lipston

1st day March T. 1882

Filed August 30th 1881.
J. A. G. Hyatt
Clerk

Amount of Attachment	$155.00
Com. of Sheriff	8.75
Cost " "	50
" " bond	60
Total.	$164.85½
Amt of bond	$329.70

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

We Command you to Summon Thomas Surgener and A. R. Surgener

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in Sept. next, to answer a bill in Chancery exhibited in our said Court against him they G. B. Lupton

J. A. G. Hyatt

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 27 day of August 1881, in the 106th year of the Commonwealth.

J. A. G. Hyatt Clerk.

The Pltff, having given bond with Security in the penalty of $300.00 and filed, the affidavit required by law. The Sheriff who may serve this process is Ordered to attach the estate of defendant Thomas Surgener for the sum of $155,00 and costs of suit and that he hold the same subject to the future order of Court.

J. A. G. Hyatt Clerk

G. B. Lupton
vs } Spa in Chy
Thomas Surgener

To Sept. Rules 1881

Executed by deliver
ing an office copy of
this Spa to Thomas
Surgener, and by
attaching upon 9 head
of hogs. 1 speckled cow
1 whitefaced bull calf.
and growing corn crop
of liable to levy.
This 30th day of Aug 1881

Ad 12 F. J. Miller D.S. for
J. S. Ely S.L.C.